

# Exhibit A

SUPREME COURT: NEW YORK COUNTY

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PRIYANKA GUPTA,

Index No.:  
Date purchased

Plaintiff,

Plaintiff designates  
NEW YORK

-against-

County as the place of Trial.

CVS PHARMACY, INC. d/b/a CVS  
PHARMACY,

The basis of the venue is  
Plaintiff Residence:

Defendant.

Plaintiff resides at:  
885 6<sup>th</sup> Avenue, Apt 25G  
New York, NY 10001


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**SUMMONS WITH NOTICE**

To the above named Defendants:

**You are hereby summoned** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: Brooklyn, New York  
September 25, 2017

  
Adam Hill, Esq. of  
ROSS & HILL, ESQS.  
Attorneys for Plaintiff  
16 Court Street, 35<sup>th</sup> Floor  
718-855-2324

Notice: the nature of this action: negligence; personal injuries.  
The relief sought is monetary damages.  
Upon your failure to appear, judgment will be taken against you by default in a sum which exceeds the jurisdiction of any lower court, together with interest from July 5, 2017 and the costs of this action.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
PRIYANKA GUPTA,

Plaintiff,

-against-

**VERIFIED COMPLAINT**

Index No.:

CVS PHARMACY, INC. d/b/a CVS PHARMACY,

Defendant.

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Plaintiff herein, by his attorneys, ROSS AND HILL, ESQS., complaining of the above named Defendants, respectfully shows to the Court and alleges the following upon information and belief:

1. That at all times hereinafter mentioned, Plaintiff was and still is a resident of New York County, City and State of New York.

2. That at all times hereinafter mentioned, defendant CVS PHARMACY, INC. d/b/a CVS PHARMACY, was and still is a domestic corporation, organized and existing by virtue of and under the laws of the State of New York.

3. That at all times hereinafter mentioned, defendant CVS PHARMACY, INC. d/b/a CVS PHARMACY, was and still is a foreign corporation authorized to do business in the State of New York.

4. That at all times hereinafter mentioned, defendant CVS PHARMACY, INC. d/b/a CVS PHARMACY, was the owner and operator of the CVS Pharmacy located at 222 E. 34<sup>th</sup> Street, New York, New York 10016, store number #08968, (hereinafter referred to as "CVS store #08968").

5. That on or before July 5, 2017, CVS store #08968 notified plaintiff that her prescription refill for Tizandine HCL 2 MG Tablet, prescribed by Dr. Rachel Colman, was ready for pickup.

6. That on July 5, 2017, CVS store #08968, by and through its servants, agents, and employees, filled and sold plaintiff the wrong prescription medication, a drug by the name Terazosin.

7. That plaintiff was not prescribed the prescription medication drug Terazosin.

8. That the prescription filled and sold to plaintiff was labeled as Tizandine, but the bottle contained the pills Terazosin.

9. That on July 6, 2017, at approximately 11:00 pm, plaintiff swallowed two pills of the medication Terazosin and went to bed.

10. That on July 7, 2017, at approximately 9:00 am, plaintiff woke up, stood up, and collapsed to the ground.

11. That the consumption of the drug Terazosin was a proximate cause of plaintiff's collapse.

12. That upon collapsing to the ground, plaintiff struck her head and lost consciousness.

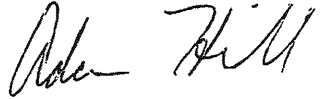
13. That plaintiff sustained severe personal injuries.

14. That the incident was caused by the negligence of the defendant without any contributory or comparative negligence on part of the plaintiff herein.

15. That by reason of the foregoing, plaintiff has been damaged in an amount that exceeds the jurisdiction of any lower court.

**WHEREFORE**, plaintiff demands judgment against the defendant in an amount which exceeds the jurisdiction of any lower court, with interest, costs and disbursements of this action.

Dated: Brooklyn, New York  
September 25, 2017

  
\_\_\_\_\_  
Adam Hill, Esq. of

ROSS & HILL, ESQS.  
*Attorneys for Plaintiff*  
**PRIYANKA GUPTA**  
16 Court Street, 35<sup>th</sup> Floor  
Brooklyn, NY 11241  
(718) 855-2324

STATE OF NEW YORK, COUNTY OF NEW YORK ) s.s.:

I, the undersigned, an attorney duly admitted to practice law in the Courts of this State, state that I am an associate in Ross and Hill, attorneys of record for plaintiff in this action; I have read the foregoing **SUMMONS AND COMPLAINT** and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief and, as to those matters, I believe it to be true.

The reason this verification is made by me and not by the plaintiff is that plaintiff reside outside the County in which your affirmant maintains offices.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: consultation with plaintiffs, investigative reports, memoranda and other data in the file concerning the subject matter of the within litigation.

I affirm the foregoing statements are true, under the penalty of perjury.

Dated: Brooklyn, New York  
September 25, 2017

  
Adam Hill, Esq.

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

-----x  
PRIYANKA GUPTA

Plaintiff/Petitioner,

-against-

Index No. 158512/17

CVS PHARMACY, INC. d/b/a CVS PHARMACY

-----x  
Defendant/Respondent.

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT  
TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

**Parties represented by an attorney:** An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

**Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form.** However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit [www.nycourts.gov/efileunrepresented](http://www.nycourts.gov/efileunrepresented). Unrepresented litigants also are encouraged to visit [www.nycourthelp.gov](http://www.nycourthelp.gov) or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

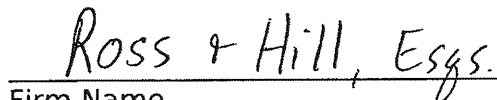
For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: 09/25/2017

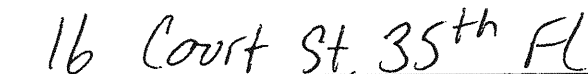
  
Signature

JAMES FRANKLIN ROSS

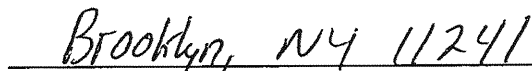
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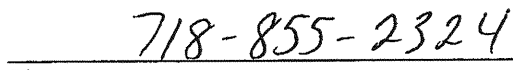
Firm Name

  
Address

Address

  
City, State, and Zip

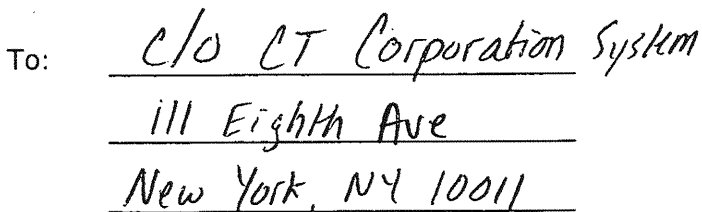
City, State, and Zip

  
Phone

Phone

rossandhill@aol.com

E-Mail

To: 

9/3/15



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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PRIYANKA GUPTA,

Plaintiff,

-against-

CVS PHARMACY, INC. d/b/a CVS PHARMACY,

Defendant.

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**SUMMONS WITH NOTICE  
AND VERIFIED COMPLAINT**

-----X

**ROSS & HILL, ESQS.**  
Attorney for Plaintiff  
16 Court Street  
35<sup>th</sup> Floor  
Brooklyn, NY 11241  
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